

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

MAR 24 2015

for the

SOUTHERN DISTRICT OF TEXAS

United States of America)

v.)

David J. Bradley, Clerk

Case No. **M-15-0443-M**

(1) VASQUEZ, Cristobal Jesus (MX))

(2) GARCIA-Zuñiga, Jose (MX))

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/24/2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a)(1)
21 USC 846Conspiracy to Possess with Intent to
Distribute marijuana, approximately
124.00 kilograms, a Schedule I
controlled substance.

This criminal complaint is based on these facts:

On March 24, 2015, United States Border Patrol (USBP) Agents responded to sensor activity in Havana, Texas, in an area known as "Banworth Canal." USBP agents concealed themselves in the brush near the area and observed a subject talking on a cellular telephone and motioning for a white Ford Ranger pickup to come to his location. Five subjects exited the brush carrying large bundles in the direction of the pickup. USBP Agents left their place of concealment and identified themselves. The driver of the Ford Ranger and the subjects carrying bundles scattered in different directions.

☒ Continued on the attached sheet.

Complainant's signature

A. Marisol Farias, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/24/2015 4:54 pm

Judge's signature

City and state: McAllen, TX

Hon. Peter Ormsby, US Magistrate Judge

Printed name and title

ATTACHMENT

USBP Agents apprehended Jose Guadalupe GARCIA-Zuniga, Cristobal VASQUEZ-Espinosa, and a male juvenile within several yards of the Ford pickup. These three suspects were placed under arrest while all other manage to abscond. Those that were apprehended were all citizens of Mexico.

USBP Agents located one bundle of suspected marijuana inside the cabin of the pickup truck and one bundle was located in the bed of the pickup truck and three additional bundles were recovered from the ground near the pickup truck. The bundles that were recovered contained a green leafy substance with the consistency and smell of marijuana. USBP Agents transported the five large bundles that contained a total of fifteen smaller bundles and the three subjects in custody to the McAllen USBP station for processing. The combined weight of the bundles was 124 kilograms.

McAllen DEA Agents Marisol Farias and R. James Carter arrived at the McAllen USBP Station on March 24, 2015. At approximately 11: 00 AM, S/A Farias advised GARCIA of his constitutional rights. To which, GARCIA signed the waiver form and agreed to provide a statement without the presence of counsel.

GARCIA admitted that he knowingly participated in the smuggling of marijuana. GARCIA stated that he was hired by a subject that he does not know and who is from Reynosa, Mexico. GARCIA added that he would receive \$200.00 for his services. GARCIA stated that when he arrived on the United States side of the border, the bundles of marijuana were already here. GARCIA stated that he personally managed to place one bundle inside the pickup that was the transportation vehicle before he and two others were arrested. GARCIA stated that everyone arrested voluntarily participated in carrying the bundles and he did not witness anyone being forced or threatened.

At approximately 11:30 AM, S/A Farias advised VASQUEZ of his constitutional rights. VASQUEZ signed the waiver form and agreed to provide a statement without the presence of counsel. VASQUEZ stated that he knowingly came into the United States as an illegal alien to join family members and to find work. VASQUEZ did not know the addresses for any of the family members already present in the United States. VASQUEZ stated that he helped bring the marijuana across from Mexico via a boat across the Rio Grande River. VASQUEZ added that he never made it to the load vehicle with the marijuana he was carrying because he dropped it when the USBP arrived on the scene.

VASQUEZ added that he was forced to carry marijuana by subjects he does not know who reside in Reynosa, Mexico. VASQUEZ' believes that one of the subjects that threatened him is named "Malvado" and that "Malvado" had a pistol in his waistband when the threats were made.